

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA**

YVETTE RODRIGUEZ,	:	
	:	
Plaintiff	:	CIVIL ACTION NO. 3:21-209
	:	
v.	:	(JUDGE MANNION)
	:	
LOUIS DEJOY,	:	
	:	
Defendant	:	

ORDER

Pending before the court is the report of United States Magistrate Judge Martin C. Carlson, which recommends that the plaintiff's motion to voluntarily dismiss this case be granted and the case be dismissed without prejudice. (Doc. 27). No objections have been filed to Judge Carlson's report.

Where no objection is made to a report and recommendation, the court should, as a matter of good practice, "satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." Fed. R. Civ. P. 72(b), advisory committee notes; see also Univac Dental Co. v. Dentsply Intern., Inc., 702 F.Supp.2d 465, 469 (M.D.Pa. 2010) (citing Henderson v. Carlson, 812 F.2d 874, 878 (3d Cir. 1987) (explaining judges should give some review to every report and recommendation)). Nevertheless, whether timely objections are made or not, the district court

may accept, not accept, or modify, in whole or in part, the findings or recommendations made by the magistrate judge. 28 U.S.C. §636(b)(1); Local Rule 72.31.

Plaintiff filed the instant action on February 5, 2021. (Doc. 1). Subsequently, plaintiff filed a “Motion to Withdraw Complaint,” in which she states “I want to withdraw the above referenced Complaint in its entirety and will no longer prosecute.” (Doc. 26). Judge Carlson construed plaintiff’s filing as a motion to voluntarily dismiss the case pursuant to Fed.R.Civ.P. 41(a)(1)-2), and recommends that the motion be granted and the case be closed.

The court has considered the findings in Judge Carlson’s report and recommendation and finds no clear error of law. Moreover, the court agrees with the sound reasoning which has led Judge Carlson to the conclusions in his report. As such, the report and recommendation will be adopted in its entirety as the opinion of the court.

NOW, THEREFORE, IT IS HEREBY ORDERED THAT:

(1)The report and recommendation of Judge Carlson **(Doc. 27)** is

ADOPTED IN ITS ENTIRETY AS THE RULING OF THE COURT.

(2) The “Motion to Withdraw Complaint” **(Doc. 26)** is **GRANTED.**

(3) The instant action is **DISMISSED WITHOUT PREJUDICE**.

(4) The Clerk of Court is directed to **CLOSE THIS CASE**.

s/ Malachy E. Mannion
MALACHY E. MANNION
United States District Judge

DATE: November 19, 2021

21-209-01